

Amendment No. 1 to SB2646

Watson
Signature of Sponsor

AMEND Senate Bill No. 2646

House Bill No. 2674*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 9-4-210, is amended by deleting the section and substituting instead the following:

(a)

(1) For any law enacted after January 1, 2023, that results in a net increase in periods of imprisonment in state facilities, there must be appropriated from recurring revenues the estimated operating costs of the law.

(2) Appropriations made under subdivision (a)(1) must be used only for operating costs for the department of correction.

(3) Any law enacted without the funding required by subdivision (a)(1) is null and void unless such funding is appropriated in the general appropriations act.

(b) For any law enacted after January 1, 2023, that results in a net decrease in periods of imprisonment in state facilities, the appropriations in subsection (a) must be decreased by the estimated amounts annually that account for the estimated decrease in operating costs of the law. The annual decrease in appropriations required pursuant to this subsection (b) must be made in the general appropriations act as a line item reduction for the next three (3) years commencing after the effective date of the law and in an amount equal to the annual estimated decrease in operating costs reflected in the fiscal note prepared pursuant to subsection (c).

(c) The amount of appropriations made under this section must be equal to the amounts reflected in fiscal notes prepared by the staff of the fiscal review committee. Cost increases must be estimated based on the operating costs, in current dollars, of the highest of the next three (3) fiscal years commencing after July 1, 2022. Cost decreases must be estimated based on actual estimated operating costs to be reduced.

(d) Should the fiscal note include both increases and decreases, the costs must be netted out on an annual basis for the next three (3) fiscal years commencing after July 1, 2022. Netted out cost increases must be based on the operating costs of the highest of the next three (3) fiscal years on a recurring basis. Netted out cost decreases must be based on actual estimated decreases for each of the next three (3) fiscal years.

(e) For purposes of this section:

(1) "Operating costs" means all variable costs of housing inmates in state facilities, or local facilities pursuant to title 41, chapter 8, other than capital outlay or capital maintenance costs and does not include any set costs for housing inmates in state or local facilities; and

(2) "Periods of imprisonment in state facilities" includes inmates housed by the state in local facilities pursuant to title 41, chapter 8.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to appropriations made on or after January 1, 2023.